PERMISSION TO CONSIDER ON FRIDAY, JULY 12, 1996, H.R. 2428, FOOD AND GROCERY DONATION ACT, UNDER SUSPENSION OF THE RULES

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Friday, July 12, 1996, the Speaker be authorized to entertain a motion, offered by the gentleman from Pennsylvania, Mr. GOODLING, or his designee, to suspend the rules and pass H.R. 2428 as amended, a bill to encourage the donation of food and grocery products.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Wednesday July 10, 1996, I was granted a leave of abence and I missed a series of votes.

On rollcall vote number 295, I would have voted no.

On rollcall vote number 296, I would have voted no.

On rollcall vote number 297, I would have voted yes.

On rollcall vote number 298, I would have voted yes.

On rollcall vote number 299, I would have voted no.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3396.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House begins its consideration of H.R. 3396, the Defense of Marriage Act. H.R. 3396 has two operative provisions. Section 2 of the bill reads as follows:

> No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

This provision invokes Congress' constitutional authority, under Article IV, section 1, to prescribe the effect that shall be given the public records, acts, and proceedings of the various States. This section provides only that States ''shall not be required'' to recognize same-sex marriage licenses issued by other States. It would not prevent any State from permitting homosexual couples to marry, just as it would not prevent any State from choosing to give full legal effect to same-sex marriages contracted in other States. It means only that they are not required by the Full Faith and Credit Clause to do so.

It appears that gay rights lawyers are soon likely to win the right for homosexuals to marry in Hawaii, and that they will attempt to ''nationalize'' that anticipated victory under force of the Full Faith and Credit Clause of the U.S. Constitution. I do not believe that other States would necessarily be required, under a proper interpretation of that Clause and the ''public policy'' exception to it, to give effect to a Hawaiian same-sex marriage license.

But here is the situation we confront: Gay rights lawyers have made plain their intention to invoke the Full Faith and Credit Clause to persuade judges in the other 49 States to ignore the public policy of those States and to recognize a Hawaiian same-sex marriage license. This strategy is no secret; it is well documented. I would hope that judges would reject this strategy. But we all know that some courts will go the other way. That explains why, as we learned at our hearing, over 30 States are busily trying to enact legislation that will assist their efforts to fend off the impending assault on their marriage laws. There is, in short, disquiet in the States over how this legal scenario will play out.

The strategy the gay rights groups are pursuing is profoundly undemocratic, and it is surely an abuse of the Full Faith and Credit Clause. Indeed, I cannot imagine a more appropriate occasion for invoking our constitutional authority to define the States' obligations under the Full Faith and Credit Clause. As Representative Torrance Tom from Hawaii testified before the Subcommittee: ''If inaction by the Congress runs the risk that a single Judge in Hawaii may re-define the scope of legislation throughout the other forty-nine states, [then] failure to act is a dereliction of the responsibilities [we] were invested with by the voters.''

Section 3 of the bill is even more straightforward. It proves that, for purposes of federal law only, ''word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.'' Again, this is a reaction to the Hawaii situation. Prior to the Hawaii Supreme Court decision there was never any reason to define the words ''marriage'' or ''spouse'' in federal law, because the laws of the fifty States were uniform in defining them exclusively with reference to heterosexual unions. But now, it is necessary to make explicit in the federal code Congress' well-established and unquestionable intention that ''marriage'' is limited to unions between one man and one woman. Section 3 changes nothing; it simply reaffirms existing law.

I would note that the Clinton administration Justice Department believes that H.R. 3396 is constitutional. President Clinton, more over, has indicated that he ''would sign the bill if it was presented to him as currently written.''

I'd make just one final point. Opponents of this bill have been quick to allege that its sponsors are motivated by crass political considerations; they have argued, in effect, that we have contrived this issue in order to score political points. In light of the Hawaii situation, the proclaimed intention of the gay rights lawyers, and the strong bipartisan support for the bill, this simply is not a credible argument. It is, rather, an argument designed to shift the focus of debate away from the fundamental issues at stake in this controversy.

What is at stake in this controversy? Nothing less than our collective moral understanding—as expressed in the law—of the essential nature of the family—the fundamental building block of society. This is far from a trivial political issue. Families are not merely constructs of outdated convention, and traditional marriage laws were not based on animosity toward homosexuals. Rather, I believe that the traditional family structure—centered on a lawful union between one man and one woman—comports with nature and with our Judeo-Christian moral tradition. It is one of the essential foundations on which our civilization is based.

Our law should embody an unequivocal recognition of that fundamental fact. Our law should not treat homosexual relationships as the moral equivalent of the heterosexual relationships on which the family is based. That is why we are here today.

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Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just exercise my objection to the way this House is being run. If this is such an important issue, why are we debating this at a quarter to 1? I must say that for an important piece of legislation like this to